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VPS, LLC (dba VIRTUAL PHOTO STORE, LLC)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

SMUGMUG, INC.,  
Plaintiff,

vs.

VIRTUAL PHOTO STORE, LLC (dba  
VPS, LLC)

Defendant.

Case No. 09-CV-02255 CW

District Judge Claudia Wilken

**STIPULATED REQUEST FOR  
ORDER CHANGING TIME**

Plaintiff Smugmug, Inc. ("Smugmug") and Defendant VPS, LLC (d/b/a Virtual Photo Store, LLC) ("VPS") hereby submit the following stipulated request for an order changing time under Local Rule L.R. 6-2, requesting that the Court reschedule the deadlines set forth below.

1. On June 1, 2009, this Court entered its initial Case Management and Scheduling Order setting a case management conference for September 29, 2009.

**Stipulated Request for Order Changing Time**  
**Case No. 09-cv-02255 CW**

1 That order further required the submission of a joint Case Management Statement on  
2 September 22, 2009.

3 2. On June 11, 2009, Defendant VPS timely filed its Motion to Dismiss  
4 based upon an alleged lack of personal jurisdiction.

5 3. In orders dated August 13, 2009 (Dkt. No. 34) and July 16, 2009 (Dkt.  
6 No. 28), as well as oral orders issued from the bench during a hearing held July 16,  
7 2009, the Court granted Smugmug's motion for certain jurisdictional discovery. The  
8 Court directed that Plaintiff Smugmug file a further opposition brief relating to VPS's  
9 motion on or before August 27, 2009. The Court directed VPS to file a response  
10 thereto on or before September 3, 2009.

11 4. Pursuant to the Court's order providing for the service of jurisdictional  
12 discovery on July 30, 2009 and the service of VPS's responses on August 13, 2009,  
13 Smugmug served its interrogatories and document requests on July 30, 2009 and VPS  
14 served written responses to these requests and produced certain documents on August  
15 13, 2009.

16 5. VPS believes that it has certain confidentiality obligations to third parties  
17 who are parties to discoverable documents, and those confidentiality obligations have  
18 delayed VPS's ability to produce discoverable documents to Smugmug by August 13,  
19 2009. VPS believes it can complete its production of documents to Smugmug by  
20 September 4, 2009.

21 6. Due to the timing of VPS's production of documents, Smugmug has  
22 requested, and VPS has agreed to permit, additional time to prepare its supplemental  
23 opposition to the VPS motion to dismiss.  
24  
25  
26  
27  
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7. Accordingly, the parties request that the following case deadlines be rescheduled by the Court, as indicated below:

Event	Current Deadline	Revised Deadline
SmugMug's Supplemental Opposition Brief	August 27, 2009	September 14, 2009
VPS's Supplemental Reply Brief	September 3, 2009	September 21, 2009
Case Management Statement	September 22, 2009	7 days before Case Management Conference
Case Management Conference	September 29, 2009	on or after October 20, 2009

Date: August 25, 2009

Respectfully submitted,

/s/ Jeffrey L. Fillerup

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*VPS, LLC (dba VIRTUAL PHOTO  
 STORE, LLC)*

PURSUANT TO STIPULATION, THE COURT ORDERS THE  
FOLLOWING REVISED SCHEDULE:

Event	Revised Deadline
SmugMug's Supplemental Opposition Brief	September 14, 2009
VPS's Supplemental Reply Brief	September 21, 2009
Case Management Statement	7 days before Case Management Conference
Case Management Conference	October 20, 2009 at 2:00 p.m.

IT IS SO ORDERED.

Dated: 8/27, 2009

  
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District Judge Claudia Wilken